

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	)
	)	)
	)	CRIMINAL NO. 03-048-A
v.	)	
	)	
	)	Judge Ellis
CUONG GIA LE	)	
a/k/a CUONG KANG	)	
(Counts 1, 2, 4-14,	)	18 U.S.C. § 1962(c)
17-20, and 22-24)	)	R.I.C.O.
)	)	(Count 1)
PHU VAN HO	)	
(Count 25)	)	18 U.S.C. § 1962(d) )
LOC TIEN NGUYEN	)	Racketeering Conspiracy
(Counts 3, 16, and 25)	)	(Count 2)
	)	
NAM NGUYEN	)	18 U.S.C. § 1959(a) (6)
(Counts 5, 6, 19,	)	Conspiracy to Commit Assault
and 25)	)	with a Dangerous Weapon in
	)	Aid of Racketeering Activity
NGUYEN NGUYEN	)	(Counts 3 and 7)
(Counts 5, 6, 19,	)	
and 25)	)	18 U.S.C. § 1959(a) (3)
	)	Assault with a Dangerous
VU HOANG NGUYEN	)	Weapon in Aid of Racketeering
a/k/a VINCENT	)	Activity
(Counts 5, 6, 19,	)	(Counts 4 and 12)
and 25)	)	
	)	18 U.S.C. § 1959(a) (5)
KY TRUONG QUACH	)	Attempted Murder in Aid of
(Counts 3, 7, 15, 21	)	Racketeering Activity
and 25)	)	(Counts 5, 10, and 11) )
	)	
	)	18 U.S.C. § 1959(a) (5)
	)	Conspiracy to Commit Murder
	)	in Aid of Racketeering
	)	Activity
	)	(Count 6)
	)	
	)	18 U.S.C. § 1959(a) (1)
	)	Murder in Aid of Racketeering
	)	Activity
	)	(Counts 8 and 9)
	)	

18 U.S.C. § 1951  
Interference with Commerce by  
Robbery  
(Count 13)

) 18 U.S.C. § 1951  
) Conspiracy to Affect Commerce  
) by Robbery  
) (Count 14)  
)  
) 18 U.S.C. § 924(c)  
) Use and Carrying of a Firearm  
) During a Crime of Violence  
) (Counts 15-22)  
)  
) 18 U.S.C. § 924(j)  
) Murder in the Course of a  
) Firearms Offense  
) (Counts 23 and 24)  
)  
) 18 U.S.C. § 3  
) Accessory After the Fact to  
) Murder in Aid of Racketeering  
) Activity  
) (Count 25)

SECOND SUPERSEDING INDICTMENT

DECEMBER 2003 TERM - At Alexandria, Virginia

COUNT ONE

RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS

THE GRAND JURY CHARGES:

The Enterprise

At all times material to this Indictment:

1. The defendants were members and associates of a criminal organization referred to as the "Oriental Playboys" or "OPB ," among other names, whose members and associates engaged

in burglary, drug distribution, credit card fraud, and acts of violence, including murder, assault, and robbery, in Virginia, Maryland, and other areas.

2. OPB, including its leadership, membership and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4) (hereinafter "the enterprise"), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate commerce.

3. Members of OPB referred to themselves as such, socialized and lived together, obtained and used 3,4-Methylenedioxy-methamphetamine, commonly known as MDMA or Ecstasy, cocaine base, commonly known as "crack" cocaine, and other controlled substances together, and engaged in robberies and burglaries together. Members of the OPB defended each other when confronted by other individuals or groups and routinely shared vehicles and firearms among themselves.

4. Members of OPB committed acts of violence, including murder, attempted murder, assault, and robbery, both to further the enterprise's financial resources and to enhance the status of OPB and its members in the community.

5. Members of OPB were encouraged by its leaders to

obtain and use firearms to further the objectives of the enterprise. Members were expected to defend OPB, its status as a unified criminal enterprise, and fellow members. The commission of crimes of violence, including murder, was viewed as a means to enhance a member's position in the enterprise.

#### Purposes of the Enterprise

6. The purposes of the enterprise included the following:

a. Enriching the members and associates of the enterprise through, among other things, burglaries and robberies.

b. Preserving and protecting the power, status and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, and murder.

c. Promoting and enhancing the enterprise and its members' and associates' activities.

d. Keeping victims and rival groups in fear of the enterprise and in fear of its members and associates through violence and threats of violence.

e. Protecting members of the enterprise against acts of violence perpetrated by groups that rivaled OPB, including but not limited to, the groups known as "Dragon Family" or "DF," and "Oriental Bloods" or "OB," and retaliating against such groups when they attacked or threatened to attack OPB.

#### Role of the Defendants

7. The following defendants were members of OPB and participated in the operation and management of this enterprise in the following manners, among others:

a. CUONG GIA LE, a/k/a Cuong Kang, was a leader of OPB who directed, and personally committed, much of the enterprise's violence against rival groups and individuals who threatened OPB. In particular, Le shot four individuals (killing two) associated with one of OPB's rival groups in May 2001. Le was previously a member of a group that often fought with OPB and was thus often at the center of OPB's rivalry with other groups.

b. PHU VAN HO fled with Cuong Le after Le shot four people associated with one of OPB's rival groups. Ho also associated with other OPB members and obtained firearms that were carried while transporting crack cocaine.

c. LOC TIEN NGUYEN is an OPB associate who actively participated in the enterprise's crimes of violence, including one attempted murder and a conspiracy to commit assault with a dangerous weapon. In addition, Nguyen assisted Cuong Le in fleeing to New York City after Le shot four individuals associated with one of OPB's rival groups.

d. NAM NGUYEN was involved in several violent acts by OPB's members, including a fight with one of OPB's rival groups, a conspiracy to murder an individual who members of OPB believed had "set up" OPB in a fight with a rival group.

e. NGUYEN NGUYEN was involved in several violent acts by OPB's members, including a fight with one of OPB's rival groups and a conspiracy to murder an individual who members of OPB believed had "set up" OPB in a fight with a rival group. In addition, Nguyen provided a stun gun used by OPB for a robbery.

f. VU HOANG NGUYEN, a/k/a Vincent, was an associate of OPB who repeatedly provided other OPB members a "safe-house" in which to stay and store weapons after members of the enterprise committed crimes and engaged in disputes with other groups. Nguyen also conspired to murder and aided and abetted in the attempted murder of an individual who members of OPB believed had "set up" OPB in a fight with a rival group.

g. KY TRUONG QUACH provided OPB members with firearms and brandished a firearm while OPB members attempted to exact revenge on one of OPB's rival groups. In addition, he assisted Cuong Le in fleeing to New York City after Le shot four individuals associated with one of OPB's rival groups.

#### Means and Methods of the Enterprise

8. Among the means and methods by which the members of the enterprise and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members and associates of the enterprise committed, conspired, attempted, and threatened to commit

robbery and acts of violence, including murder and assault, to protect and expand the enterprise's criminal operations.

b. Members and associates of the enterprise promoted a climate of fear through violence and threats of violence to further the enterprise's status in the community and its criminal activities.

c. Members and associates of the enterprise murdered, assaulted, and attempted to murder and assault various individuals whose members and associates of the enterprise believed threatened or rivaled OPB.

d. Members and associates of the enterprise transported the proceeds from their robberies and burglaries in interstate commerce.

e. Members and associates of the enterprise transported firearms in interstate commerce.

f. Members and associates distributed, possessed and used controlled substances, including (among others) 3,4-Methylenedioxymethamphetamine, commonly known as MDMA or Ecstasy, cocaine base, commonly known as "crack" cocaine.

g. Members and associates engaged in credit card fraud, by using fake credit cards to purchase merchandise that is bought and sold in interstate commerce.

COUNT ONE

THE RACKETEERING VIOLATION

9. From in or about August 2000, the exact date being unknown to the Grand Jury, and continuing thereafter up to and including July 2003, in the Eastern District of Virginia, and elsewhere, the defendant, CUONG GIA LE, a/k/a Cuong Kang, along with others known and unknown to the Grand Jury, being persons employed by and associated with OPB, an enterprise described in Paragraphs 1 through 8 of Count One of this Indictment, did unlawfully, willfully and knowingly conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise, which was engaged in and the activities of which affected interstate commerce, through a pattern of racketeering activity, to wit: the commission of the racketeering acts set forth in Paragraph 10 of Count One of this Indictment as Racketeering Acts One through Six.

THE PATTERN OF RACKETEERING ACTIVITY

10. The pattern of racketeering activity, as defined in Title 18, United States Code, Section 1961(1) and (5), consisted of the following acts:

**Racketeering Act One -- Robbery on April 6, 2001**

The defendant named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act One:

**a. Robbery**

On or about April 6, 2001, in Montgomery County, Maryland, CUONG GIA LE, Xanh Nguyen, Son Huynh, and Minh Trieu Tran, did



commit an act involving robbery, that is, they did by force and violence take from the person and presence of Dunstin Lee property and money and other things of value belonging to Dunstin and Helen Lee, and did aid, abet and assist one another in the commission of this offense, in violation of Sections 3-402, 3-404, and 4-204 of the Maryland Code, Criminal Law.

**b. Conspiracy to Commit Robbery**

Between in or about October 2000 and in or about April 2001, in the Eastern District of Virginia, Montgomery County, Maryland, and elsewhere, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree together and with other persons, both known and unknown to the grand jury, including, but not limited to, Xanh Nguyen, Son Huynh, Bao Quang Pham, Minh Trieu Tran, and Tri Tran, to commit robbery, in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia.

**Racketeering Act Two -- Attempted Murder of Hoang Trinh**

The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Two:

**a. Conspiracy to Murder Hoang Trinh**

On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree together and with other persons, both known and unknown to the grand jury, including, but not limited to, Minh Trieu Tran, Tri Cao Tran, Xanh Nguyen, Son Huynh, Bao Quang Pham, Nam Nguyen, Nguyen Nguyen, and Vu Hoang Nguyen, to murder Hoang Trinh (a/k/a Wayne) in violation of Sections 18.2-32 and 18.2-22 of the Code of Virginia.

**b. Attempted Murder of Hoang Trinh**

On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally attempt to murder Hoang Trinh and did aid, abet and assist others in the commission of this offense in violation of Sections 18.2-32, 18.2-26 and 18.2-18 of the Code of Virginia.

**Racketeering Act Three -- Murder of Binh Anh Luu**

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, unlawfully, intentionally and knowingly murdered Binh Anh Luu (a/k/a Kenny Luu) in violation of Sections 18.2-32 of the Code of Virginia.

**Racketeering Act Four -- Murder of Long Phi Nguyen**

On or about May 13, 2001, in Falls Church, Virginia, in the

Eastern District of Virginia, the defendant, CUONG GIA LE, unlawfully, intentionally and knowingly murdered Long Phi Nguyen in violation of Sections 18.2-32 of the Code of Virginia.

**Racketeering Act Five -- Attempted Murder of Hoang Anh Tran**

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally attempt to murder Hoang Anh Tran in violation of Sections 18.2-32 and 18.2-26 of the Code of Virginia.

**Racketeering Act Six -- Attempted Murder of Michael Van Thach**

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally attempt to murder Michael Van Thach in violation of Sections 18.2-32 and 18.2-26 of the Code of Virginia.

(In violation of Title 18, United States Code, Section 1962(c).)

COUNT TWO

THE RACKETEERING CONSPIRACY

THE GRAND JURY FURTHER CHARGES THAT:

A. Paragraphs 1 through 8 and 10 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

B. From in or about 2000, the exact date being unknown to the Grand Jury, and continuing thereafter up to and including July 2003, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendant, CUONG GIA LE, being employed by and associated with the enterprise known as OPB as described in Paragraphs 1 through 8 of Count One of this Indictment, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with other persons, both known and unknown to the grand jury, including, but not limited to, Minh Trieu Tran, Tri Cao Tran, Bao Quang Pham, Xanh Nguyen, and Son Huynh, to violate Title 18, United States Code, Section 1962(c), namely to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise, which was engaged in and the activities of which affected interstate commerce, through a pattern of racketeering activity as set forth in paragraph 10 of Count One of this Indictment as Racketeering Acts One through Five, which are realleged and

incorporated herein. It was a further part

of the conspiracy that CUONG GIA LE agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

(In violation of Title 18, United States Code, Section 1962(d).)

COUNT THREE

CONSPIRACY TO COMMIT ASSAULT WITH A DANGEROUS WEAPON IN AID OF  
RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia.

C. On or about November 23, 2000, in Falls Church, Virginia, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendants, LOC TIEN NGUYEN and KY TRUONG QUACH, did unlawfully, intentionally and knowingly conspire, confederate and combine with others known and unknown to the Grand Jury, including, but not limited to, Thang Vo, Son Huynh, and Xanh Nguyen, to commit a crime involving assault with a dangerous weapon, in violation of Sections 18.2-51 and 18.2-22 of the Code of Virginia, for the purpose of gaining entrance to and maintaining

and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(6).)

COUNT FOUR

THREATENING A CRIME OF VIOLENCE IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia.

C. On or about March 26, 2001, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did commit assault with a dangerous weapon, in

violation of Section 18.2-51 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(3).)

#### COUNT FIVE

##### ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia.

C. On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendants, CUONG GIA LE, NAM NGUYEN, NGUYEN NGUYEN, and VU HOANG NGUYEN, did unlawfully,



knowingly and intentionally attempt to murder Hoang Trinh (a/k/a Wayne) in violation of Sections 18.2-32 and 18.2-26 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT SIX

CONSPIRACY TO COMMIT MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia.

C. On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendants, CUONG GIA LE, NAM

NGUYEN, NGUYEN NGUYEN, and VU HOANG NGUYEN, did unlawfully, intentionally and knowingly conspire, confederate and combine with others known and unknown to the Grand Jury, including, but not limited to, Minh Trieu Tran, Xanh Nguyen, Son Huynh, Tri Cao Tran, and Bao Quang Pham, to murder Hoang Trinh (a/k/a/ Wayne) in violation of Sections 18.2-32 and 18.2-22 of the Code of Virginia,

for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT SEVEN

CONSPIRACY TO COMMIT ASSAULT WITH A DANGEROUS WEAPON IN AID OF  
RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated

herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. In or about April 2001, in Fairfax County, Virginia, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendants, CUONG GIA LE and KY TRUONG QUACH, did unlawfully, intentionally and knowingly conspire, confederate and combine with others known and unknown to the Grand Jury, including, but not limited to, Minh Trieu Tran and Bao Quang Pham, to commit a crime involving assault with a dangerous weapon, in violation of Sections 18.2-51 and 18.2-22 of the Code of Virginia, for the purpose of gaining entrance to and maintaining

and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(6).)

COUNT EIGHT

MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did knowingly, willfully, and unlawfully cause the murder of Binh Anh Luu (a/k/a Kenny Luu) in violation of § 18.2-32 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(1).)

COUNT NINE

MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did knowingly, willfully, and unlawfully cause the murder of Long Phi Nguyen in violation of § 18.2-32 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(1).)

COUNT TEN

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally attempt to murder Hoang Anh Tran in violation of Sections 18.2-32 and 18.2-26 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT ELEVEN

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally attempt to murder Michael Van Thach in violation of Sections 18.2-32 and 18.2-26 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT TWELVE

ASSAULT WITH A DANGEROUS WEAPON IN AID OF RACKETEERING ACTIVITY

THE GRAND JURY FURTHER CHARGES THAT:

A. OPB, as described in paragraphs 1 through 8 of Count One of this Indictment, which is realleged and incorporated herein, was an enterprise as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate commerce.

B. OPB, through its members and associates, engaged in racketeering activity, that is, robbery in violation of Sections 3-402 and 3-404 of the Maryland Code, Criminal Law, and Sections 18.2-18, 18.2-22 and 18.2-58 of the Code of Virginia, and murder in violation of Section 18.2-32 of the Code of Virginia.

C. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did commit a crime involving assault with a dangerous weapon on Chung Nguyen, in violation of Sections 18.2-51 and 18.2-22 of the Code of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity.



(In violation of Title 18, United States Code, Section 1959(a)(3).)

COUNT THIRTEEN

AFFECTING COMMERCE BY ROBBERY

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 26, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, Montgomery County, Maryland, and elsewhere, the defendant, CUONG GIA LE, did attempt and did unlawfully, knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, threats of physical violence and acts of physical violence, in that he and others did unlawfully take and obtain personal property, that is, money and other personal items, from Dunstin and Helen Lee against their will and in the presence of each other by means of actual and threatened force, violence and fear of injury, immediate and future, to their persons and property.

(In violation of Title 18, United States Code, Section 1951.) COUNT FOURTEEN

CONSPIRACY TO AFFECT COMMERCE BY ROBBERY

THE GRAND JURY FURTHER CHARGES THAT:

Beginning in or about October 2000, and continuing up to

and including in or about the Spring of 2001, the exact dates being unknown to the grand jury, in Fairfax County, Virginia, in the Eastern District of Virginia and elsewhere, the defendant, CUONG GIA LE, the defendant herein, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with other persons, both known and unknown to the grand jury, including, but not limited to, Xanh Nguyen, Son Huynh, Bao Quang Pham, Minh Trieu Tran, Tri Cao Tran, Cuong Quoc Tcheou, and Thanh Quina Huynh Huynh, to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, threats of physical violence and acts of physical violence.

**Ways, Manner and Means to Accomplish the Conspiracy**

The primary purpose of the conspiracy was to make money through robbery, threats of physical violence and acts of physical violence. The ways, manner and means by which this purpose was carried out included the following:

1. It was part of the conspiracy that the defendant and unindicted co-conspirators targeted business owners and individuals for robbery, particularly Asian business owners and individuals.

2. It was further a part of the conspiracy that the defendant and unindicted co-conspirators planned to enter businesses and residences for the purpose of taking valuable

property, including the cash proceeds of businesses.

3. It was further part of the conspiracy that the defendant and unindicted co-conspirators abducted and restrained their victims through the use of force, violence and threats of violence.

4. It was further a part of the conspiracy that the defendant and unindicted co-conspirators planned robberies and related acts of violence in the Eastern District of Virginia and elsewhere.

5. It was further a part of the conspiracy that the defendant and unindicted co-conspirators traveled from the Eastern District of Virginia to places outside the district, including Montgomery County, Maryland, and Baltimore County, Maryland, to plan, prepare for and carry out robberies and related acts of violence.

6. It was further a part of the conspiracy that the defendant and unindicted co-conspirators conducted, and attempted to conduct, robberies affecting commerce and the movement of articles and commodities in commerce.

7. It was further a part of the conspiracy that the defendant and unindicted co-conspirators utilized telephones, including cellular telephones, for communications to facilitate the conspiracy.

8. It was further a part of the conspiracy that the

defendant and unindicted co-conspirators acquired, possessed, utilized, and stored weapons, including semi-automatic handguns, revolvers and a stun-gun to facilitate the conspiracy.

9. It was further a part of the conspiracy that the defendant and unindicted co-conspirators used the proceeds of their robberies to travel to and gamble at casinos in Atlantic City, New Jersey.

10. It was further a part of the conspiracy that the defendant and unindicted co-conspirators used various methods to conceal the conspiracy in order to insure the continuing existence and success of the conspiracy.

11. It was further a part of the conspiracy that the defendant and unindicted co-conspirators attempted to and did in fact intimidate, frighten and threaten the victims of their robberies to insure the continuing existence and success of the conspiracy.

12. It was further a part of the conspiracy that the defendant and unindicted co-conspirators attempted to and did in fact intimidate, frighten and threaten co-conspirators and other potential witnesses to prevent such persons from providing law enforcement authorities with information about the defendants and unindicted co-conspirators.

### Overt Acts

In furtherance of the said conspiracy and to effect the objects thereof, the defendants and unindicted co-conspirators committed overt acts in the Eastern District of Virginia and elsewhere, including, but not limited to, the following:

1. On or about October 17, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia, Cuong Quoc Tcheou, Xanh Nguyen and Bao Quang Pham robbed a residence of electronic equipment, including three car televisions, amplifiers, and stereo speakers, as well as cash and other property.

2. On or about October 17, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia, Cuong Quoc Tcheou, Xanh Nguyen and Bao Quang Pham, using what appeared to be a gun, forced the occupants of the residence, including a woman and her infant child, into a bathroom while they robbed the residence.

3. On or about October 17, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia, Cuong Quoc Tcheou, Xanh Nguyen and Bao Quang Pham threatened to kill the occupants of the residence if they reported the robbery to the police.

4. On or about October 26, 2000, Tuyen Cao Phung, Thanh Quina Huynh Huynh, Thang Quoc vo, Xanh Nguyen, Son Huynh, and

Bao Quang Pham drove from Northern Virginia to Baltimore County, Maryland, to rob the residence of an individual who owned three local nail salons.

5. On or about October 26, 2000, in Baltimore County, Maryland, Tuyen Cao Phung, Thanh Quina Huynh Huynh, Thang Quoc vo, Xanh Nguyen, Son Huynh, and Bao Pham postponed their plan to rob the occupants of the business owner's residence after encountering too many people in the vicinity of the residence.

6. On or about October 26, 2000, in Baltimore County, Maryland, Tuyen Cao Phung, Thanh Quina Huynh Huynh, Thang Quoc Vo, Xanh Nguyen, Son Huynh, and Bao Quang Pham, after postponing their plan to rob the business owner's residence, instead burglarized the residence of another nail salon owner, taking about \$4,500 in jewelry from that residence.

7. On or about October 30, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia, Thang Quoc Vo, Xanh Nguyen and Son Huynh met prior to driving to Baltimore County, Maryland, to again try to rob the residence of the owner of three local nail salons.

8. On or about October 30, 2000, in Baltimore County, Maryland, Thang Quoc Vo, Xanh Nguyen and Son Huynh robbed the occupants of the residence belonging to a business owner, forcibly taking a safe containing approximately \$40,000 in cash and jewelry valued at approximately \$30,000.

9. On or about October 30, 2000, in Baltimore County, Maryland, Thang Quoc Vo, Xanh Nguyen and Son Huynh forced their way into the residence and confined the occupants of the residence in a bathroom as they went through the house.

10. On or about October 31, 2000, in Fairfax County, Virginia, Thang Quoc Vo, Xanh Nguyen and Son Huynh met with Bao Quang Pham, Thanh Quina Huynh Huynh and Tuyen Cao Phung, at which time they paid Pham, Quina and Phung about \$700 each for their assistance in the robbery of the nail salon owner's residence.

11. On or about November 9, 2000, Xanh Nguyen, Minh Trieu Tran and Tuyen Cao Phung met at Café Dang in Falls Church, Virginia, to plan a home invasion robbery.

12. On or about November 9, 2000, in Fairfax County, Virginia, Xanh Nguyen, Minh Trieu Tran and Tuyen Cao Phung attempted a home invasion robbery but fled the house when the occupants resisted.

13. On or about November 21, 2000, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo followed a couple from the Majestic Restaurant in Falls Church, Virginia, to their home in Fairfax County, Virginia, for the purpose of robbing the couple when they arrived at their home.

14. On or about November 21, 2000, in Fairfax County, Virginia, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo, armed

with what appeared to be a gun, forced their way into the home of the couple they had followed from the Majestic Restaurant.

15. On or about November 21, 2000, in Fairfax County, Virginia, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo restrained the couple along with their elderly parents and two young children.

16. On or about November 21, 2000, in Fairfax County, Virginia, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo threatened to kill the occupants of the home.

17. On or about November 21, 2000, in Fairfax County, Virginia, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo robbed the couple of a wallet and some jewelry.

18. On or about November 21, 2000, in Fairfax County, Virginia, Bao Quang Pham, Xanh Nguyen and Thang Quoc Vo fled from the house when they heard the police coming.

19. On or about February 15, 2001, Minh Trieu Tran, Thang Quoc Vo, and three other co-conspirators planned to rob Dunstin Le, a local businessman, of money and other valuable property.

20. On or about February 15, 2001, Minh Trieu Tran, Thang Quoc Vo, and three other co-conspirators burglarized the home of Dunstin Lee, a local businessman when they found his home unoccupied, stealing \$35,000 in cash and other valuable property.

21. On or about March 9, 2001, in Charlottesville,



Virginia, Xanh Nguyen, Son Huynh and Tri Tran robbed the occupants of the residence of a local nail salon owner of cash, business checks, safe deposit keys, a watch, a camcorder, and a briefcase.

22. On or about March 9, 2001, in Charlottesville, Virginia, Xanh Nguyen, Son Huynh and Tri Tran, using a handgun, forced the occupants of the residence, including a woman and several young children, into a closet while they robbed the residence.

23. On or about March 16, 2001, in Midlothian, Virginia, in the Eastern District of Virginia, Bao Quang Pham, Minh Trieu Tran and two unindicted co-conspirators robbed an alterations shop of approximately \$150 in cash and some jewelry.

24. On or about March 16, 2001, in Midlothian, Virginia, in the Eastern District of Virginia, Bao Quang Pham, Minh Trieu Tran and the unindicted co-conspirators repeatedly used a stun-gun to restrain the owner of the alterations shop.

25. In or about mid-March, 2001, in Fairfax County, Virginia, in the Eastern District of Virginia, Xanh Nguyen, Son Huynh and Tri Tran followed a woman from a store to her home intending to rob her when she arrived at her home.

26. On or about March 21, 2001, in Fairfax County, Virginia, in the Eastern District of Virginia, Son Huynh and

Minh Trieu Tran robbed the home of the woman that Son Huynh, Xanh Nguyen and Tri Tran had followed a few days earlier, taking two briefcases, a laptop computer, jewelry, and a .38 caliber revolver from the home.

27. On or about April 6, 2001, Xanh Nguyen, Son Huynh, Minh Trieu Tran, and CUONG GIA LE drove from Northern Virginia, in the Eastern District of Virginia, to Montgomery County, Maryland, for the purpose of committing a robbery of a Helen Lee, a local businesswoman, outside her store in the Wheaton Shopping Center.

28. On or about April 6, 2001, Xanh Nguyen, Son Huynh, Minh Trieu Tran and CUONG GIA LE decided not to rob Helen Lee at the shopping center but instead drove to her home in Bethesda, Maryland, the same home that had been burglarized previously on February 15, 2001.

29. On or about April 6, 2001, in Bethesda, Maryland, Xanh Nguyen, Son Huynh, Minh Trieu Tran and CUONG GIA LE, using handguns, beat Dunstin Lee until he was unconscious.

30. On or about April 6, 2001, in Bethesda, Maryland, Xanh Nguyen, Son Huynh, Minh Trieu Tran and CUONG GIA LE, using and carrying handguns, robbed the residence of Dunstin and Helen Lee of approximately \$4000 in cash and a purse.

(All in violation of Title 18, United States Code, Section

1951.) COUNT FIFTEEN

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 23, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia, and elsewhere within the jurisdiction of the Court, the defendant, KY TRUONG QUACH, did unlawfully, knowingly and intentionally use, carry, and brandish firearms, to wit: handguns, and did aid, abet and assist others in the commission of this offense, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: a violation of Title 18, United States Code, Section 1959, as set forth in Count Three of this Indictment, which is realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Sections 2 and 924(c).)

COUNT SIXTEEN

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 23, 2000, in Fairfax County, Virginia, in the Eastern District of Virginia and elsewhere within the jurisdiction of the Court, the defendant, LOC TIEN NGUYEN, did unlawfully, knowingly and intentionally use, carry, and brandish

firearms, to wit: handguns, and did aid, abet and assist others in the commission of this offense, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: a violation of Title 18, United States Code, Section 1959, as set forth in Count Three of this Indictment, which is realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Sections 2 and 924(c).)

COUNT SEVENTEEN

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2001, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendants CUONG GIA LE, did unlawfully, knowingly and intentionally use, carry, and brandish a firearm, to wit: a handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: a violation of Title 18, United States Code, Section 1959, as set forth in Count Four of this Indictment, which is realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Section 924(c).)

COUNT EIGHTEEN

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 6, 2001, in the Eastern District of Virginia and elsewhere within the jurisdiction of this Court, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally use, carry, and brandish firearms, to wit: handguns, and did aid, abet and assist others in the commission of this offense, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, to wit: violations of Title 18, United States Code, Sections 1962(c), 1962(d), and 1951, as set forth and charged in Racketeering Act One of Count One, and Counts Two, Thirteen, and Fourteen of this Indictment, which are realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Sections 2 and 924(c)(1).)

COUNT NINETEEN

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia and elsewhere within the

jurisdiction of the Court, the defendants, CUONG GIA LE, NAM NGUYEN, NGUYEN NGUYEN, and VU HOANG NGUYEN, did unlawfully, knowingly and intentionally use, carry, brandish, and discharge firearms, to wit: violations of Title 18, United States Code, Sections 1962(c), 1962(d), and 1959, as set forth and charged in Racketeering Act Two of Count One, and Counts Two, Five, and Six of this Indictment, which are realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Sections 2  
and 924(c).) COUNT TWENTY

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

In or about April 2001, in Fairfax County, Virginia, in the Eastern District of Virginia and elsewhere within the jurisdiction of the Court, the defendant, CUONG GIA LE did unlawfully, knowingly and intentionally use, carry, and brandish a firearm, to wit: a handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: a violation of Title 18, United States Code, Section 1959, as set forth in Count Seven of this Indictment, which is realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Section 924(c).)

COUNT TWENTY-ONE

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

In or about April 2001, in Fairfax County, Virginia, in the Eastern District of Virginia and elsewhere within the jurisdiction of the Court, the defendant, KY TRUONG QUACH, did unlawfully, knowingly and intentionally use and carry a firearm, to wit: a handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: a violation of Title 18, United States Code, Section 1959, as set forth in Count Seven of this Indictment, which is realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Section

924(c).) COUNT TWENTY-TWO

USING AND CARRYING A FIREARM DURING VIOLENT CRIME

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did unlawfully, knowingly and intentionally use, carry, brandish, and discharge a firearm, to wit: a .45 caliber handgun, during

and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: violations of Title 18, United States Code, Sections 1962(c), 1962(d), and 1959, as set forth and charged in Racketeering Acts Three, Four, Five, and Six of Count One, and Counts Two, Eight, and Nine of this Indictment, which are realleged and incorporated by reference herein.

(All in violation of Title 18, United States Code, Section 924(c).)

COUNT TWENTY-THREE

MURDER IN THE COURSE OF A FIREARMS OFFENSE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did use and carry a firearm during a crime of violence, as set forth in Count Twenty-Two of this Indictment, which is realleged and incorporated by reference herein, and did cause the death of Binh Anh Luu through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, CUONG GIA LE did, with malice aforethought, unlawfully kill Binh Anh Luu.

(All in violation of Title 18, United States Code, Sections



924(c)(1) and 924(j).)

COUNT TWENTY-FOUR

MURDER IN THE COURSE OF A FIREARMS OFFENSE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, CUONG GIA LE, did use and carry a firearm during a crime of violence, as set forth in Count Twenty-two of this Indictment, which is realleged and incorporated by reference herein, and did cause the death of Long Phi Nguyen through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, CUONG GIA LE did, with malice aforethought, unlawfully kill Long Phi Nguyen.

(All in violation of Title 18, United States Code, Sections 924(c)(1) and 924(j).)

COUNT TWENTY-FIVE

ACCESSORY AFTER THE FACT

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, the defendants, LOC TIEN NGUYEN, PHU VAN HO, NAM NGUYEN, NGUYEN NGUYEN, VU HOANG NGUYEN, and KY TRUONG QUACH, knowing that offenses against the United States had been committed, to wit: murder, attempted murder, and assault with a dangerous weapon, all in aid of racketeering activity in violation of Title 18, United States Code, Section

1959, did receive, relieve, comfort and assist the offender,  
CUONG GIA LE, in order to hinder and prevent the offender's  
apprehension, trial and punishment.

(All in violation of Title 18, United States Code, Section 3.)

A TRUE BILL.

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F O R E P E R S O N

PAUL J. McNULTY  
UNITED STATES ATTORNEY

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Kevin Di Gregory  
Acting Chief, Criminal Division

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